

A large, stylized water drop icon in a light blue color, positioned in the top left corner of the page. The drop is contained within a circular frame with wavy lines inside, suggesting water or a watershed.

Fact Sheet

Municipal Water Law

October 2005

DOH PUB. #331-307
(updated)

Proposed Planning and Engineering Requirements

Future Rule Revisions

The state legislature passed the Municipal Water Supply - Efficiency Requirements Act of 2003, better known as the Municipal Water Law (MWL), to help meet the growing needs of our state's water resources. The law primarily deals with water rights and water use efficiency for municipal suppliers and directs the Department of Health (DOH) to create a water use efficiency rule. DOH is currently developing this rule and you can find more information on our rule-making activities on the Web at:

http://www.doh.wa.gov/ehp/dw/municipal_water/municipal_water_law.htm

In addition to changes in water rights and water efficiency requirements, the MWL also modified existing law related to water system capacity, water system planning, watershed planning, and inter-agency coordination. Because of these modifications, DOH is evaluating existing water system planning and engineering regulations to determine if we need to make any changes to meet the intent of the MWL.

Most of the potential changes would be in *Part 2 - Planning and Engineering Documents* of the Group A Public Water Systems rule, chapter 246-290 WAC. Since the planning and engineering portion of the regulations will be open for revision, we will also look at other planning and engineering modifications which would help clarify existing language in the rule.

Issues

Current DOH water system planning and engineering regulations set up a process for water systems to show how they will address future needs in a manner consistent with relevant local, state, and federal plans and regulations. DOH is evaluating these regulations to see if they meet the intent of the MWL, and if we need to define some of the terms used in the MWL.

DOH is considering, for example, the level of state regulatory involvement in a municipal water supplier's *duty to serve* expectation. Some of the terms we may need to define in regulation include *retail service area*, *capacity* and *local government consistency*, as well as *duty to serve*. In discussions with DOH, stakeholders have expressed varying opinions on these issues and the factors we should consider in changing these aspects of the regulations.



HELPING TO ENSURE SAFE AND RELIABLE DRINKING WATER

DOH has developed interim guidance for water systems to help them implement the MWL until we can make any needed regulatory changes. DOH will use the experience gained while using the interim guidance to decide if we need to revise these documents, the regulations, or both. (For more information, see *Interim Planning Guidance for Water System Plan/Small Water System Management Program Approvals*, Publication 331-256, and Fact Sheet *Conservation Planning Requirements for Water System Plans*, Publication 331-295.)

There are no significant issues anticipated with the other changes not related to the MWL that DOH is considering for the planning and engineering regulations. Our goal is that proposed changes will only update and clarify existing language to make the regulations easier to understand and improve compliance. DOH will involve stakeholders in the process.

Rule Development Timeline

The MWL did not set a deadline for the revisions to the *Part 2 – Planning and Engineering* regulations that DOH is evaluating. We will first adopt the Water Use Efficiency rule, which is planned for June 2006 – then look at proposed changes to planning and engineering.

How You Can Get Involved

DOH is now evaluating the existing regulations and the changes we will propose. Once we have developed the initial proposal for changes, we will open the process for public comment both informally and as part of the formal rule making process. We will continue to solicit preliminary comments on our approach from the Water Supply Advisory Committee and other stakeholders.

For more information

Bill Thurston, Rule Development Lead, 360-236-3126, william.thurston@doh.wa.gov

Theresa Phillips, Rules Coordinator, 360-236-3147, theresa.phillips@doh.wa.gov

You can also visit our rules Web site at:

http://www.doh.wa.gov/ehp/dw/Our_Main_Pages/regula.htm

